

BOARD OF AGRICULTURE, TRADE AND CONSUMER PROTECTION MINUTES

November 13, 2013

The Board of Agriculture, Trade and Consumer Protection met on November 13, 2013, at the Department of Agriculture, Trade and Consumer Protection, 2811 Agriculture Drive, Board Room, Madison, WI. The meeting was preceded by public notice as required by s. 19.84, Stats.

Prior to the official start of the board meeting, the Cates Family Farm, operated by DATCP board member Dick Cates and his wife Kim, received the Aldo Leopold Conservation Award which was presented by the Sand County Foundation, the Wisconsin Farm Bureau and DATCP Secretary Ben Brancel. The award honors Wisconsin landowner achievement in voluntary stewardship and management of natural resources.

Call to Order

Board Chair Andy Diercks called the meeting to order at 9:27 a.m.

Members Present

Andy Diercks, Mark Schleitwiler, John Koepke, Dennis Badtke, Dean Strauss, Nicole Hansen, Richard Cates and Miranda Leis were present. Michael Dummer was absent.

Minutes

Motion

John Koepke made a motion to approve the November 13, 2013 Board minutes. This was seconded by Dean Strauss. Motion approved unanimously.

Public Appearances

Tom Lochner, Executive Director of the Wisconsin State Cranberry Growers Association, appeared before the board in support of the scope statement for ATCP 142. The Wisconsin Cranberry Board administers the cranberry marketing order which allows an assessment to be charged of 10 cents per barrel. This amount has been in effect since 2002. In recent years, the Cranberry Board has seen higher demands for funds to promote education and cranberry health programs, as well as crop improvement research. This scope statement, and eventual amendment to the order, will allow the Cranberry Board more flexibility in funding these types of programs to meet industry needs.

Diane Welsh, the Milwaukee Chapter of the National Association of the Remodeling Industry (NARI), spoke to the board in favor of ATCP 110. She thanked DATCP for being receptive and for the willingness to make changes to the regulation. NARI believes the rule reduces the regulatory burden placed on remodelers, while still upholding consumer protection. While they support the new content of the rule, they did suggest a few minor changes. In section 2 of the rule regarding the definition criteria of a major renovation, they would like wording added to address if a project exceeds a certain monetary amount rather than solely based on whether the project exceeds 100% of the value of the structure. The second request is to change the word "destructive" to "disruptive" in regards to delays in a construction project that are outside of the control of the builder and which may delay the original completion date.

Brad Boycks, the vice president of advocacy for the Wisconsin Builders Association, represents an association of 5000 members across that state dealing with home builders, commercial and residential builders, banking, and realtors. The Wisconsin Builders Association fully supports ATCP 110 and wished to commend the Department on their efforts to work with industry on the most substantial modernization of the rule in last 20 years. Brad thanked the Secretary, Deputy Secretary and Trade & Consumer Protection staff members for their work on this rule and asked the board to approve the final draft of the rule.

ATCP 17, 21, 53, 60, 70, 80 Technical Changes (Final Draft)
Livestock Premises Registration, Plant Inspection and Pest Control, Agricultural
Enterprise Areas, Dairy Farms, Food Processing Plants, Dairy Plants

David Meany, Chief Legal Counsel from the Office of the Secretary, presented a final draft containing technical rule changes to ATCP 17, 21, 53, 60, 70 and 80 to the Board. The majority of these changes clarify or modify definitions within ATCP 17, Livestock Premises Registration, ATCP 60, Dairy Farms, ATCP 70, Food Processing Plants, and ATCP 80 Dairy Plants. Within ATCP 21, Plant Inspection and Pest Control, the proposed rule is amended to include other states, such as North Carolina, Virginia, Ohio and Pennsylvania that have quarantined counties based on a detection of TCD (Thousand Cankers Disease). This rule also repeals Ch. ATCP 53 in its entirety as 2011 Wis. Act 253 s. 91.84 authorizes the department's secretary to designate AEA's, agricultural enterprise areas, by publication of a special order versus the previous standard of creating an emergency rule.

The Board previously approved the hearing draft of this rule in July after which the Agency held one public hearing in September, with a written comment period open through September 24th. There were no attendees at the public hearing and no written comments were submitted. The Department modified the final draft rule slightly to incorporate several changes based on minor technical changes suggested by the Rules Clearinghouse.

Motion

Dennis Badtke moved to approve the technical changes final draft for ATCP 17, 21, 53, 60, 70 and 80. This was seconded by Nicole Hansen. Motion approved unanimously.

ATCP 93, 94 Flammable, Combustible, and Hazardous Liquids; Petroleum and Other Liquids Fuel Products (Scope Statement)

Judy Cardin, Director for the Bureau of Weights and Measures, along with Kevin LeRoy, Program and Policy Analyst, and Greg Bareta, Mechanical Engineer, for the Division of Trade & Consumer Protection presented the scope statement for ATCP 93 and 94.

Effective July 1, 2013, the Department of Safety and Professional Services (DSPS) transferred its tank inspection program and the petroleum inspection program to DATCP. The administrative rule chapters governing these programs (Ch. SPS 310 and SPS 348) were transferred to DATCP as part of the 2013-2015 Biennial Budget (2013 Act 20) and have been renumbered to ATCP 93 and ATCP 94 respectively. DATCP proposes to make a number of technical and organizational changes to the rules to more fully integrate them into DATCP regulatory programs. In addition, DATCP proposes to make various updates to the rules to keep them consistent with recognized standards and EPA guidelines.

Motion

Nicole Hansen made a motion to approve the scope statement of ATCP 93 and 94. This was seconded by John Koepke. Motion approved unanimously.

ATCP 110, 111 Home Improvement Practices; Basement Waterproofing Practices (Final Draft)

Sandy Chalmers, Division Administrator, along with Michelle Reinen, Director of the Bureau of Consumer Protection, and Kevin LeRoy, Program and Policy Analyst, in the Division of Trade & Consumer Protection presented the final draft of ATCP 110 and 111 relating to Home Improvement Practices and Basement Waterproofing Practices.

The Board previously approved the hearing draft of this rule in July and subsequently the Agency held four public hearings in Madison, Eau Claire, Milwaukee, and Green Bay during September and October, with a written comment period open through October 16th. There were no attendees at three of the public hearings with six attendees coming to the Milwaukee hearing. DATCP received comments on this rule from 118 individuals. The content of the comments were essentially unanimous. Two trade organizations, The Wisconsin Builders Association (WBA) and the Milwaukee Chapter of the National Association of the Remodeling Industry (NARI), coordinated the submission of comments from their members.

The Department modified the final draft rule as outlined below to incorporate several changes based on the public comments and minor technical changes suggested by the Rules Clearinghouse.

The hearing draft limited the scope of Ch. ATCP 110 by excluding "major renovations to an existing structure" from the definition of home improvement. The hearing draft defined "major renovation" to be a project the price of which is equal to or greater than the assessed value of the property. The proposed final draft rule revises the definition of "major renovation" to be greater than the assessed value of the existing structure.

Both the hearing draft and the proposed final draft allow deviations from the written contract under limited circumstances. The proposed final draft inserts a note that makes clear text messages, e-mails and other forms of electronic communication satisfy requirements for communications to be in writing. The proposed final draft revises the provisions related to verbal change orders to make the provisions more readable, without making substantive changes.

Under the current rule, sellers must provide written lien waivers from all contractors, subcontractors, and material suppliers before accepting payment. This is true for both final payments at the conclusion of the project and any partial payments that occur while work is in progress. The hearing draft modified this requirement for partial lien waivers by allowing buyers to waive their right to receive partial lien waivers. The proposed final draft requires lien waivers (either partial during the contract or final at the end) only if the buyer requests them. The proposed final draft also requires sellers to provide buyers with a statement describing the purpose of lien waivers and that the buyer may request them.

The current rule requires that, if there is a delay in the performance of the contract, the seller must provide notice to the buyer. The notice must specify the reason for the delay and propose new deadline dates. If the contract is in writing, no change in deadlines is effective unless the buyer agrees in writing to the change. Both the hearing draft and the final draft maintain this provision. However, the hearing draft specifies that the seller is not responsible for delays in contract performance that are caused by the buyer. The proposed final draft also provides that the seller is not responsible for delays caused by destructive acts of nature or disruptive civil disorder.

The current rule requires that, in the case where building inspections are required, the seller furnish a copy of the inspection certificate to the buyer. This is still true under the hearing draft, but in the event the building inspector did not issue a paper certificate, the seller can, instead, provide certain information about the inspection to the buyer. The proposed final draft retains this provision, but revises the exact wording for better clarity.

The current rule requires when a representation is made that insurance or some other form of protection will be provided, the seller must provide the buyer a copy of the insurance or protection agreement. The proposed final draft provides that a declarations page or other evidence of insurance document is sufficient to meet this requirement.

The current rule specifies that a buyer retains claims and defenses even if the seller assigns the contract to a third party. The hearing draft does not alter this provision, but contains an explanatory note. The proposed final draft revises the note to improve clarity.

Motion

Nicole Hansen made a motion to approve the final draft of ATCP 110 and 111. This was seconded by Dennis Badtke. Motion approved unanimously.

ATCP 136 Mobile Air Conditioners, Reclaiming or Recycling Refrigerant; ATCP 136 Mobile Air Conditioners, Reclaiming or Recycling Refrigerant Emergency Rule (Scope Statement)

Sandy Chalmers, Division Administrator, along with Judy Cardin, Director for the Bureau of Weights and Measures, and Jennifer Heaton-Amrhein, Program and Policy Analyst, in the Division of Trade & Consumer Protection presented the scope statement of ATCP 136 for a permanent and emergency rule relating to Mobile Air Conditioners, Reclaiming or Recycling Refrigerant.

Currently, Ch. ATCP 136 requires businesses that install, repair or service mobile air conditioners to pay an annual registration fee and obtain an annual registration certificate from the department. The rule also requires businesses to register their mobile air service technicians and for those technicians to successfully complete a department approved training course or satisfy other training requirements.

DATCP proposes to eliminate the registration fee and streamline the registration and training requirements currently required under this rule. These modifications will harmonize DATCP's rule with federal requirements and reduce overall regulatory burdens by eliminating duplicative training and registration requirements. The Department will also remove references to obsolete Department of Safety and Professional Services (DSPS) licensing requirements and make other minor modifications needed to ensure uniformity between the statute and rule. The proposed emergency rule would enable the fee schedule to take effect for the 2014 licensing year, which begins March 1, 2014.

Motion

John Koepke made a motion to approve the Scope Statement of the permanent and emergency rule ATCP 136. This was seconded by Miranda Leis. Motion approved unanimously.

ATCP 142 The Cranberry Marketing Order (Scope Statement)

Noel Favia, Marketing Board Specialist for the Division of Agricultural Development, presented the scope statement for ATCP 142 relating to the Cranberry Marketing Order.

The proposed rule would increase the maximum amount the Cranberry Marketing Board may assess cranberry growers to enable the board to more effectively achieve the purposes of the Agricultural Marketing Act, Ch. 96, Stats., and to expand the sale of cranberries. The proposed rule would increase the maximum annual assessment that the Cranberry Board may charge to the growers from the current maximum of 10 cents per barrel. Any amendment to the marketing order, including a proposal to increase the maximum annual assessment, must be approved at referendum by a majority of all the Wisconsin cranberry growers.

Motion

John Koepke made a motion to approve the Scope Statement of ATCP 142. This was seconded by Dean Strauss. Motion approved unanimously.

66th Alice In Dairyland

Kristin Olson presented an update to the board of her activities since being named the 66th Alice in Dairyland earlier this year in May.

Kristin grew up in Fond du Lac showing her family's dairy cattle from their show herd, Crestbrooke Holsteins and Jerseys. She graduated from Wisconsin-Madison in 2010 with a life sciences communication degree. Prior to be selected as the 66th Alice, Kristin worked as the dairy advertising coordinator at Accelerated Genetics.

Alice is Wisconsin's Agricultural Ambassador and her mission is to support agricultural business by educating the general public about the vital role agriculture plays in the economy, environment and quality of life in Wisconsin. Throughout the year, Alice participates in industry trainings and plans three campaigns to share that knowledge with consumer through the media.

This year, Alice focused on two key messages that reflect the goals and work plan of DATCP:

- Agriculture is a diverse industry vital to Wisconsin's economic development, generating a \$59.16 billion annual impact.
- Buying Wisconsin grown and produced products supports Wisconsin agriculture and local farmers, producers, communities and economics.

State Livestock Production and Processing (Report)

Jeff Swenson, Livestock and Meat Specialist, Laura Paine, Organic and Grazing Specialist, and Mike Bandli, Agricultural Program Supervisor, all of the Division of Agricultural Development, presented a PowerPoint presentation to board regarding livestock production and processing.

The Division of Agricultural Development provides educational programing, technical assistance and business development coaching for Wisconsin's animal agriculture industry on a variety of topics including livestock production, grazing, organics and meat processing.

The report summarized the current efforts, trends, challenges, and opportunities for livestock producers and meat processors, and also provided information on grass-based and organic farming sectors.

ATCP 10, 12 Animal Disease and Movement; Animal Markets, Dealers, and Truckers (Final Draft)

Dr. Paul McGraw, Division Administrator for the Division of Animal Health, presented the final draft of ATCP 10 and 12 relating to Animal Disease and Movement; Animal Markets, Dealers and Truckers.

The Board previously approved the hearing draft of this rule in July after which the Agency held two public hearings in Stevens Point and Madison during September, with a written comment period open through September 24th. One person attended and registered at the public hearing in Stevens Point and 14 people submitted written comments.

The Department modified the final draft rule as outlined below to incorporate several changes based on the public comments and minor technical changes suggested by the Rules Clearinghouse.

Comments supported the rule provision requiring the porcine reproductive and respiratory syndrome (PRRS) status on the CVI of imported swine. In addition, comments suggested adding porcine epidemic diarrhea (PED) virus status to the CVI, as well as to the list of swine diseases that must be reported to the department within 10 days. The department accepted the recommendations and the rule now requires the PED status to be added to the CVI of imported swine and adds PED to the list of swine diseases that must be reported to the department within 10 days, under Appendix B to the rule.

In regards to Johnes's disease, the department modified language requiring a herd agreement to be between the owner and the department to clarify that a herd owner may change veterinarians who vaccinate against Johnes's disease without having to complete a new herd agreement.

Lastly, comments requested that a hunting preserve only be required to send a CWD test result to a hunter upon request or if the test is positive. This recommendation was incorporated into the final rule draft.

Motion

Dennis Badtke made a motion to approve the final draft rule of ATCP 10, 12. This was seconded by John Koepke. Motion approved unanimously.

ATCP 55 Meat and Meat Food Products (Scope Statement)

Steve Ingham, Division Administrator, and Cindy Klug, Meat Safety and Inspection Bureau Director, from the Division of Food Safety presented a scope statement to the Board relating to ATCP 55 Meat and Meat Food Products, specifically drug residue in animals for human food.

The department proposes a rule revision specifying corrective action to be enforced against livestock producers registered under Wisconsin's livestock premises regulations who, on two or more occasions during any calendar year, submit animals which test positive for any drug residue to be slaughtered at a state or federally inspected meat establishment for human consumption.

The department proposes consulting with industry to determine whether to implement mandatory education-based corrective action, involving the livestock producer and their veterinarian, to be enforced the first time a producer is determined to be a repeat residue violator. The department also proposed consideration of more stringent corrective actions, which would be determined after consultation with industry, to be enforced following violations that occur after the initial corrective action is completed.

Motion

John Koepke made a motion to approve the scope statement of ATCP 55. This was seconded by Miranda Leis. Motion approved unanimously.

ATCP 60 Dairy Farms (Scope Statement)

Steve Ingham, Division Administrator, and Peter Haase, Food Safety and Inspection Bureau Director for the Division of Food Safety, presented a scope statement to the Board relating to ATCP 60 Dairy Farms.

The agency proposes a comprehensive review and revision of ATCP 60 relating to the inspection of dairy farms in Wisconsin. The objective of this proposed rule is to modernize current dairy farm inspection rules in order to ensure compliance with the most recent version of the Federal

Food and Drug Administration's (FDA) Pasteurized Milk Ordinance (PMO), accommodate advances in dairying, and continue ensuring the safety and quality of Wisconsin milk. The department will also determine whether, and the extent to which, revisions are needed to improve the efficiency of Grade "A" dairy farm inspections and certain compliance procedures.

Motion

Miranda Leis made a motion to approve the scope statement of ATCP 60. This was seconded by Dean Strauss. Motion approved unanimously.

ATCP 80 Dairy Plants (Scope Statement)

Steve Ingham, Division Administrator, and Peter Haase, Food Safety and Inspection Bureau Director for the Division of Food Safety, presented a scope statement to the Board relating to ATCP 80 Dairy Plants.

The agency proposes a comprehensive review and revision of ATCP 80 relating to the food safety oversight of dairy plants in Wisconsin. The objective of this proposed rule is to modernize current dairy plant inspection rules in order to ensure compliance with the most recent version of the Federal Food and Drug Administration's (FDA) Pasteurized Milk Ordinance (PMO), accommodate advances in manufacturing dairy products, and continue ensuring the safety and quality of Wisconsin's dairy products. The department will also determine whether, and the extent to which, revisions are needed to harmonize Wisconsin regulations with federal risk-based preventive control regulations implemented under the Food Safety Modernization Act.

Motion

Richard Cates made a motion to approve the scope statement of ATCP 80. This was seconded by John Koepke. Motion approved unanimously.

Division of Food Safety (Report)

Steve Ingham, Division Administrator for the Division of Food Safety, provided an update on industry participation in the Cooperative Interstate Shipment program and four rules proposed by the US Food and Drug Administration (FDA) to implement the Food Safety Modernization Act (FSMA).

The Cooperative Interstate Shipment program allows selected state-licensed meat establishments to sell designated products in interstate commerce. There is currently one establishment operating under this program and at least eight other establishments whose operators have formally asked to participate in the program. Steve reviewed the multi-step process for an establishment moving from application to acceptance.

The Division of Food Safety also reported on several rules proposed by the FDA under the mandate of FSMA. Four separate, but interconnected rules have been proposed. They deal with:

- Hazard Analysis and Risk-Based Preventive Controls
- Produce Safety
- Foreign Supplier Verification Programs
- Accreditation of 3rd Party Auditors and Certification Bodies

The first two proposed rules will have the greatest impact on the Division's activities. Steve highlighted key requirements of these two proposed rules and major objections that commenters have raised.

Wisconsin Agricultural Statistics Services (WASS) Report

Greg Bussler, State Statistician, updated the Board on the following:

- Production Report
 - Wisconsin corn is expected to yield 145 bushels per acre with a total production of 464,000 bushels.
 - US corn production is expected to yield 164 bushels per acre with a total of 14 billion bushels in production.
 - Record high corn yields are expected in 16 states.
 - Revised corn planted acres down 2.1 million acres in November based on FSA data.
 - Soybean production is expected to hit 62.8 million bushels in Wisconsin with a yield of 40 bushels per acre.
 - US production is expected to yield 43 bushels per acre with total production reaching 3.26 billion bushels.
 - Record high soybean yields are expected in 7 states.
 - Wisconsin potato production is expected to reach 27.9 million hundredweight with an average yield of 450 hundredweight per acre.
 - In September, 2.2 billion pounds of milk were produced in Wisconsin.
 - Milk production in 23 major states totaled 14.8 billion pounds.
 - As of November 1st, Wisconsin had 10,632 milk cow herds, down 628 herds since November 2012.
- Price Report:
 - October price of \$20.30 per hundredweight of milk.
 - Corn sold for \$4.25 per bushel.
 - Soybeans sold for \$12.30 per bushel.
 - Alfalfa hay sold for \$200 per ton up \$5 per ton since October.
- Crop Progress Report/Concerns:
 - Top soil moisture 69% adequate.
 - Soil moisture is improving in the state but has had an effect on corn and soybean harvest.
 - Corn harvest at 62% compared to 93% last year.

- Soybean harvest at 86% compared to 100% last year.
 - Wet conditions and drying costs are main reasons for delayed harvest in Wisconsin.
 - Some reports received of mold problems.
- The Census of Agriculture was delayed due to the government shutdown. The preliminary report is expected to be released February 20th with a full release at a later date.
- The Wisconsin Agricultural Statistics book will be ready in the beginning of December.
- In 2014, NASS will be conducting two follow up censuses regarding aquaculture and farm/ranch irrigation.
- In January, approximately 500 dairy farms will be contacted for the dairy survey, which focuses on dairy health and management practices.

Plant Industry Bureau (Report)

Greg Helmbrecht, a Plant Pest & Disease Specialist in the Division of Agricultural Resource Management, presented a PowerPoint to the board regarding the Bureau's survey and inspection programs.

The ongoing surveys and inspections carried out by the Bureau underpin the certifications that the Agency provides to Wisconsin's plant based agricultural industry. In turn, these certificates allow Wisconsin's plant commodities to be exported to all 50 states and around the world, mitigating the risk of rejection for any plant pest or disease.

DATCP Information Technology (Report)

Karen Arriola, IT Director for the Agency, presented a PowerPoint presentation to the Board providing an update on the recent activities of the Information Technology Bureau for the Agency. The report covered recent challenges, opportunities, and milestones that the Bureau has achieved. It also covered what future goals the Bureau has for the Agency. "MyDATCP" was also highlighted, which is set of tools which automate and improve processes while providing a central location for all the information that DATCP staff need to do their job and address citizen needs.

Board Meeting Software Options (Report)

Karen Arriola, IT Director for the Agency, presented a PowerPoint presentation to the Board providing information about a paperless board meeting system, BoardVantage, that would allow all board related documents to be viewed and manipulated electronically on a DATCP provided I-Pad. This would reduce paper, printing, and mailing costs and increase ease and efficiency for the board members. The anticipated roll out of the new paperless board system would be early 2014.

Dennis Badtke made a motion to pursue the BoardVantage software for use at future DATCP Board meetings. This was seconded by Miranda Leis. Motion approved unanimously.

Board Member Reports

Mark Schleitwiler- Mark recently came out of retirement and is excited to rejoin BelGioioso Cheese in a part-time position working with milk suppliers, regulatory agencies, production planning, acquisitions and special projects. Many of the cheese companies are seeing a smaller supply of milk going into fall but that is expected to return to normal in spring. Construction of the Byron plant in Fond du Lac County, which will focus on producing provolone cheese, will be done in a few weeks. The Freedom plant expansion continues to be delayed due to the wet fall weather but is anticipated to open the first quarter of 2014.

Nicole Hansen- Nicole congratulated Dick and Kim Cates on receiving the Aldo Leopold Conservation Award earlier in the day. They recently stopped by for a tour of her cranberry operation and she wanted to extend the invite to the other board members if they wished to take a tour as well. The cranberry harvest season wrapped up in early November after running for about six weeks and produced the best crop in a long time. The cranberry industry is continuing to work on ways to increase the demand for cranberries to meet the supply. Nicole will focus the next few months on protecting the crop buds for next year.

Miranda Leis- Miranda congratulated Dick and Kim on their award and expressed how wonderful it was to see farmers and producers upheld for their conservation efforts. This was especially poignant compared to a recent article that was published which claimed that farmers have not been keeping up their conservation efforts since the ethanol push has increased corn production. Miranda expressed that many farmers are making conservation efforts and felt it was unfortunate for the article to portray the opposite. The Organic Valley rebuild project is moving along on schedule with the central section, which had water damage, to open in February and the western section, which received the most fire damage, to open in May or June. On October 24th, Governor Walker, along with Secretary Gottlieb and Secretary Brancel, presented the Village of Cashton with a 1.4 million dollar grant from the DOT. These funds will assist in completing infrastructure projects on the Organic Valley campus, as well increasing connectivity between the campus and village while improving the Hwy 27 intersection. On the home front, school is in session and harvest is still going on. The corn yields are still undetermined but will probably be lower than average. Corey and Miranda were recently accepted into the top ten nominees for the Young Farmer and Agriculturist Achievement Award. The interview process will begin in early December.

Dean Strauss- Dean reported that his harvest is way behind with lots of corn left. However, there is a positive outcome to this harvest in that Dean will have an unexpected couple extra hundred acres to shelve now. Earlier in the year, Dean feared he would need every kernel for silage to feed his cows. There are still beans and manure to take care of, which the frozen ground is hindering. It has been a great year for making milk and protein tests have been coming back very high which will mean great cheese yields.

Dennis Badtke- Dennis congratulated Dick Cates on receiving the Aldo Leopold Conservation Award. Badgerland Financial will be opening a new office north of Madison, as the one toward east town sold. In the lending realm, credit quality is extremely high, funds are ample and land values are holding or rising.

John Koepke- John congratulated the Cates family on their award received earlier in the morning and felt they exhibit the perfect example of farmers really “walking the talk” when it comes to conservation efforts. Things on the home front are very good with the kids back in school and the alfalfa and soybeans yields being very high. The summer was also very good for making milk and they have ample feed supplies.

Dick Cates- Dick thanked the board for all their support and expressed his gratitude to be able to promote agriculture in the state through his new platform as an Aldo Leopold Conservation awardee. With the beginning farmer program entering its 19th year, Dick opened up the opportunity to the other board members to host the annual celebratory barn dance which helps raise money for the program. Dick recently participated in Glendale’s “Principal for a Day” event and expressed what a rewarding experience it was to see the rich partnership that DATCP and Glendale share. Glendale school has a very challenging, dynamic environment and the difference that DATCP makes to them is very impactful. Dick wished Miranda and Corey the best on their Young Farmer and Agriculturist Achievement Award nomination. Lastly, on October 29th, Dick filed his candidacy papers with the government accountability board to run for the assembly position with the 51st District.

Andy Diercks- Andy expressed his pride in Dick and his family for winning the Aldo Leopold Conservation Award. He felt that Dick truly exudes a passion for life, family and agriculture at all times and that there is no one more deserving of this major accomplishment. Potato crop yields are good but due to their large size, there are some internal processing issues they are dealing with. The bean crop is also good. After finishing harvesting corn yesterday, Andy is preparing to start transitioning into the meeting season.

Secretary’s Report

Secretary Ben Brancel congratulated Dick Cates and his family on receiving this year’s Aldo Leopold Conservation Award.

The Petroleum and Tank Inspection Program recently transferred over from DSPS to DATCP as ordered in the budget. The cross-training for the current DATCP weights and measures staff and the tank inspection staff has been going very well and inspectors are excited about their new roles. The metrology lab for the agency will be going through an overhaul to allow the lab to process the additional samples coming from the tank inspections. This will eliminate the need for the nine current field labs around the state that previously handled the tank inspection samples.

The Department of Administration (DOA) has also been progressing with their study regarding the full merger of DSPS and DATCP. A survey was recently sent out to stakeholders and customers of each agency to collect their feedback on the potential merger. At this time, it is unclear what the results are from the survey but this will be just a component of DOA's report.

At the national level, there has been much discussion about Food Safety Modernization Act (FSMA). Many feel this is the most involved federal rewrite of regulation in many years. This process is very complex and will impact many people. As such, it needs have manageable oversight and be done correctly so that businesses can live with it and consumers can trust it in regards to food safety. The Division Food Safety will continue to provide updates on the Act every three months to the board.

The World Dairy Expo recently ended with close to 71,000 guests attending. The international guest tally was actually lower than those who attended based on the registration process. Deputy Secretary Jeff Lyon will work with the World Dairy Expo executive board on revamping the international program for the future.

Communications Director Jim Dick recently notified the Secretary about the article in the Lacrosse Tribune that claimed mismanagement of the land protected by the Conservation Reserve Program (CRP). The CRP program was initially created as an acreage offset program so that the federal government could manage production and increase the market. Initially, only acreage with highly erodible land status was accepted into the program. Over time this has changed and acres were accepted into the program that did not meet that criteria. This, however, is not an example of the program as a whole. The Secretary also indicated that many production practices have in fact changed over the last 20 years including the use of no-till or minimum-till farming and different environmental stewardship methodologies.

The Secretary introduced the "Growing Wisconsin" magazine, which is an agriculture focused magazine, funded privately, that the agency partnered with the publisher in producing. The magazine contains educational material, agriculture highlight articles, state commodity statistics, and other information. Fifteen thousand magazines were printed with a goal of reaching those in the public who are not familiar with agriculture to raise awareness.

The Agency Farm Center has had an increase of calls to their help line within the last several months, potentially due to delayed effects from the drought last year. The Division of Agricultural Development will continue to monitor the situation.

The department agriculture producer securities trust fund may be affected in the near future as there are two potential default cases occurring at the moment. Ruby Grain has nine claims against them which could result in roughly a \$200,000 pay out from the fund. The second case involves Allen's Inc., which has significantly higher financial claims against them ranging anywhere from 7 to 10 million. Many of the WI producers that have made claims are being represented by counsel, thus preserving their right for payout initially in the bankruptcy proceeding. Also, the Federal Perishable Agricultural Commodities Act (PACA) fund may be utilized to decrease the financial responsibility of the producer securities trust fund. The fund

itself currently had close to 12 million in it with a stop loss in place so that the fund may only pay out 60% of its total in one claim. The Division of Trade and Consumer Protection will provide an update to the board at next meeting on this topic.

The Secretary provided a list of the proposed meeting dated in 2014 which the Board approved.

Future Schedule and Agenda Items

The Board is scheduled to meet on December 10th in Madison. Board Member Dick Cates suggested a tour of Nicole Hansen's cranberry farm or a similar cranberry operation in the future. Board Member John Koepke requested to receive an update on frac sand mining, honey bees, and the sand hill crane nuisance to farm fields.

Adjournment

By unanimous consent, the Board adjourned at approximately 4:35pm.

Andy Diercks, Board Chair

John Koepke, Secretary